

December 19, 2017

Mr. Henry Leskinen  
Eco-Science Professionals, Inc.  
P.O. Box 5006  
Glen Arm, MD 21057

RE: Valley Heights Lot 40  
Forest Buffer Variance  
Tracking # 02-17-2556

Dear Mr. Leskinen:

A request for a variance from the Baltimore County Code Article 33 Environmental Protection and Sustainability (EPS) from Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains was received by this Department on August 1, 2017. This variance request proposes to permanently impact approximately 43,700 square feet (sf) of steep forested slopes directly draining to Jones Falls (Use III trout stream) that would be Forest Buffer Easement for developing one single family detached dwelling on an existing 3.22-acre residential lot recorded in the 1970s.

This Department has reviewed your request and has determined that a practical difficulty exists due to the extent of the Forest Buffer Easement on the lot created well prior to the law, the septic system requirements, and the steep topography limiting the location of the house and septic system. We further find that an unreasonable hardship would result from a literal interpretation of the law, given that virtually the entire lot is within area that would be Forest Buffer Easement, thus precluding development of a single house on the residential lot.

EPS also finds that adequate effort has been made to minimize direct impacts to Forest Buffer Easement given that the 2,280-sf footprint of the house is over 1,300 sf smaller than neighboring houses and has been sited on the lot to work with the topography inasmuch as possible in order to reduce grading and maximize remaining forested Forest Buffer Easement. Moreover, relief was sought and granted from current storm water management (SWM) requirements to forego additional disturbance for SWM devices given the small increase in impervious surface area proposed. We further find that performing other mitigative measures both on and offsite will adequately minimize the potential for impacts to water quality and aquatic resources as a result of this proposal.

Therefore, we will grant this request in accordance with Section 33-3-106 of the Baltimore County Code, with the following conditions:

1. The following note must appear on all plans and plats submitted for this project:  
“A variance was granted on December 19, 2017 by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. The Forest Buffer Easement and its building setback shown hereon are reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts including offsite buffer mitigation and posting of the Forest Buffer Easement with protective signage.”
2. There shall be no additional impacts to, or further reduction of, the Forest Buffer Easement for any reason.
3. Surveyed limits of the Forest Buffer Easement shall be permanently posted at 75-foot intervals or at any of its corners with “Forest Buffer-Do Not Disturb” signs to facilitate identification of easement limits. The signs must be installed in accordance with the EPS-approved Forest Buffer Protection Plan (FBPP) prior to March 19, 2018 or issuance of any grading or building permits, whichever comes first.
4. 87,400 sf of forest buffer mitigation credit shall be purchased from an EPS-approved forest buffer mitigation bank. A letter authorizing this purchase is enclosed for your use.
5. A FBPP reflecting the conditions of this variance must be submitted to EPS staff and approved prior to issuance of any permits for the property.
6. The Forest Buffer and Forest Conservation Easement must be recorded along with its associated Declaration of Protective Covenants prior to building permit approval. This may be done either by amending the Valley Heights record plat or the Exhibit A process depending on Bureau of Real Estate Compliance approval.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request. It should also be noted that this lot must fully comply with Forest Conservation Law, as forest clearing will exceed 20,000 sf.

Please have the party responsible for meeting the conditions of this approval sign the statement below and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

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If you have any questions regarding this correspondence, please contact Mr. Glenn Shaffer at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Deputy Director

DVL:ges

Enclosure

c. (w/encl.) Mr. Warren Epstein, Property Owner

I/we agree to the above conditions to bring my/our property into compliance with the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Property Owner

Date

Property Owner

Date

Printed Name

Printed Name